

UNITED STATES DISTRICT COURT

for the

Northern District of New York Albany Division

Chandler Hickenbottom

Case No.

1:24-cv-526 (AMN/TWD)

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Devin J Anderson

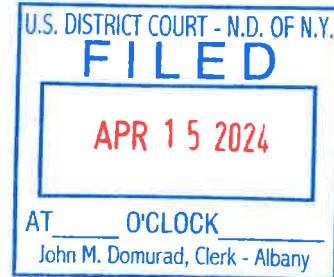
Marcus Felton

15 John Doe's

The City of Albany

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)



COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Chandler Hickenbottom
Street Address	19 Elberon Place
City and County	Albany and Albany County
State and Zip Code	NY 12203
Telephone Number	518-307-7631
E-mail Address	chandlermerrisa@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Defendant No. 1

Name	<u>Devin Anderson</u>
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 2

Name	<u>Marcus Felton</u>
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 3

Name	<u>15 John Doe's</u>
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 4

Name	<u>The City of Albany</u>
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

Federal question Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Violation of federally protected constitutional rights under the color of law as stated in Title 42 of the United States Code section 1983. Violation of 1st amendment right to peacefully assemble and freedom of speech. Violation of 4th amendment right to not be subjected to unreasonable or excessive force from a law enforcement officer. Violation of 14th amendment right to equal protection under the law.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, *(name)* _____, is incorporated under
the laws of the State of *(name)* _____, and has its
principal place of business in the State of *(name)* _____.
Or is incorporated under the laws of *(foreign nation)* _____,
and has its principal place of business in *(name)* _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

On April 14th 2021, while participating in a peaceful protesting to honor the life of Daunte Wright, I was assualted by Lt. Devin Anderson at the Albany Police Department South Station precinct. Lt. Anderson grabbed my megaphone and smashed it into my mouth as I was constinously saying "People over property." This resulted in my teeth going through my upper lip along with trauma to my entire face. I was bleeding excessively. After my mouth was smashed by my megaphone, Lt. Anderson made the orders to have his officers use force. Myself and several others being sprayed with expired bear mace. The officers retreated and came back with more expired bear mace to spray the crowd. This resulted in my open facial wounds to be filled with the chemical irritant. See attached pages for more information.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I recievied medical attention from a local emergent care where they ran x-rays and mri's on my face to ensure that I did not have a broken maxillofacial bone. I also went to the dentist where I had x-ray's of my teeth done and a chipped tooth. I dealt with severe pain and was unable to eat without excessive pain two and a half years. I have had to get my teeth shaven April of 2021 and February of 2023. I suffer from PTSD and cannot go near the area that the even occured without having an anxiety attack and getting physically ill. I also get severe anxiety when I see an Albany Police Officer. I lost medication, clothing, birthday gifts and furniture.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

I am seeking a total of \$150,000 to cover various expenses, including \$3,000 in damages, \$4,500 in medical bills, and \$142,500 in compensation for the pain and suffering caused by these traumatic events.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 04/14/2024

Signature of Plaintiff



Printed Name of Plaintiff

Chandler Hickenbottom

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

1. **Continuation of statement of claim** On April 14th 2021, while participating in a peaceful protesting to honor the life of Daunte Wright, I was assualted by Lt. Devin Anderson at the Albany Police Department South Station precinct. Lt. Anderson grabbed my megaphone and smashed it into my mouth as I was speaking. This resulted in my teeth going through my upper lip along with trauma to my face. After my mouth was smashed by my megaphone, Lt. Anderson made the orders to have his officers use force. Myself and several others being sprayed with expired bear mace. The officers retreated and came back with more expired bear mace to spray the crowd.
2. The Northern District is the proper venue for my action because all of the events occurred in Albany, NY, which is within the Northern District.
3. Jury trial is demanded
4. On April 14th, 2021, Lt. Devin Anderson physically assaulted me at the South Station Albany Police precinct. At the time, I was participating in a peaceful protest to celebrate the life of Daunte Wright, who was recently killed due to police violence. The protest began with a speak-out at Townsend Park and continued with a march to the South Station precinct. Although I did not organize the protest, I attended to support the cause. Throughout the protest, I remained in a vehicle, following the crowd.
5. As we approached Trinity Ave, I left the car and walked to Arch St. South Station in Albany. When we turned the corner near the police department, Lt. Devin Anderson was waiting outside with fifteen uniformed officers, including Officer

Marcus Felton, who proceeded to enter the building. We continued walking toward the station, and upon reaching there, we took a break. During this time, we listened to music, drank water, and tried to find some shade to rest. While taking a break, I leaned on the ramp outside the station while some of the other protesters sat on the other side of the ramp. It's important to note that I was not with the protesters on the opposite side of the ramp.

6. A group of fifteen officers, led by Lt. Devin Anderson, emerged from the precinct and began making fun of us protestors, with Officer Marcus Felton among them. During this time, Lt. Anderson was seen spitting tobacco on the feet of some of the crowd. Eventually, the officers returned to the precinct and secured the doors with handcuffs. Shortly after that, an unidentified individual leaped onto the ramp and struck the door, shattering the window. For the record, I cannot attest to the identity of the person responsible for the damage, nor was I involved in any way.
7. After the window was broken, Lt. Devin Anderson and his officers, including Officer Marcus Felton, came back outside. The fifteen John Doe's¹ had their name badges covered, and some had shields with thin blue lines. When the officers came out, I chanted "People over property" several times on my megaphone while leaning on the ramp. Lt. Devin Anderson walked over to me, grabbed my megaphone, and pushed it into my face, causing me to fall backward off the ramp. I felt an immediate searing pain in my mouth, nose, and face, along with a burning sensation in my mouth and all over my body.

¹ The fifteen John Doe's are the fifteen unidentified officers.

8. Lt. Devin Anderson ordered his officers to use excessive force on protestors. As Lt. Devin Anderson hit me, the fifteen John Doe's, including Officer Marcus Felton, began to spray expired bear mace and hit protestors with their bully clubs. I learned that the burning sensation I felt in my mouth and on my body was the expired bear mace. The bear mace went directly into the open wounds created by the force of Lt. Devin Anderson. Lt. Devin Anderson retreated into the precinct as more officers with covered name badges and thin blue-lined shields continued to spray more expired bear mace.
9. As I sought assistance for my injuries, the John Doe's repeatedly sprayed my skin. Devin Anderson's actions violated my Fourth Amendment rights, protecting me from excessive and unreasonable force inflicted by law enforcement officers. His use of excessive force, to assault me with my megaphone and directing his officers to spray protestors with bear mace, was both unwarranted and unjustifiable. It's important to note that I was not arrested or charged with any wrongdoing.
10. I wish to clarify that on April 14th, 2021, I did not partake in any actions that justified the use of excessive force by Lt. Devin Anderson, Officer Marcus Felton, and the John Doe's. As a law-abiding individual, I exercised my constitutional right to express my thoughts freely and assemble peacefully. I aimed to voice my belief that the loss of human life due to police brutality takes precedence over property damage. Unfortunately, Devin Anderson attempted to stifle my message by violently striking me with my megaphone as I spoke.

11. Acting under the color of state law, Lt. Devin Anderson, Officer Marcus Felton, and the 15 John Doe's knowingly and deliberately violated my federally protected constitutional rights. As per Title 42 of the United States Code section 1983, I am entitled to pursue legal action against Devin Anderson, Marcus Felton, and the 15 John Doe's who attacked me with expired bear mace, as well as the City of Albany. Lt. Devin Anderson, Officer Marcus Felton, and the 15 John Doe's actions were intentional and without merit. I had not engaged in a physical altercation with them, nor was I being arrested or accused of wrongdoing. I simply exercised my right to free speech.
12. Lt. Devin Anderson infringed upon my Fourteenth Amendment right to equal protection under the law. I am entitled to pursue legal recourse against discriminatory acts committed by a government official. His actions that day were, to some extent, racially motivated, as I, a black woman, am speaking out against the injustices that black Americans frequently encounter when confronted by law enforcement. His behavior conflicts not only with my values but also with those of his fellow officers. With intent, he caused physical harm to my person.
13. There were multiple injuries sustained as a result of Devin Anderson's use of excessive force. On April 16th, 2021, I sought medical attention for the trauma inflicted upon my face by the megaphone. I went to Malta Med Emergent Care in Malta, NY. The impact caused my upper lip to tear deeply, chipped a tooth, triggered nosebleeds, and caused my gums to bleed continuously. An MRI was conducted to rule out the possibility of a Maxillofacial fracture, and the doctors

identified excessive swelling from a facial contusion. They recommended that I visit a dentist for further treatment of my teeth.

14. On the 22nd of April 2021, I underwent a dental examination to assess my teeth.

I went to Dr. Ryan Wolpert's office in Saratoga Springs, NY. The results revealed swelling from the initial impact, tooth sensitivity, and a chipped tooth. To address this, the dentist advised me to get my tooth smoothed. The dentist shaved my tooth down during the visit to fix the chip. As I did not have dental insurance, I had to bear the cost of the visit and additional dental work. The dentist also informed me that I might experience discomfort for a few weeks to months, but the bleeding gums and pain would eventually subside.

15. As a result of the assault, I experienced significant physical and emotional pain that lasted for months. Eating was difficult, as even soft foods caused me excessive discomfort. The trauma also left deep emotional scars, leading me to isolate myself at home for over six months. Unfortunately, this caused me to lose a therapist, as I was unable to drive or be driven anywhere. The assault triggered several mental breakdowns. Today, I still struggle with PTSD, depression, and severe anxiety attacks when driving near the south side of Albany. The sight of an Albany Police car can also trigger anxiety and physical illness.

16. Following the incident on April 14th, 2021, I and other protestors decided to establish an encampment outside the South Station Precinct in Albany. The purpose of this encampment was to bring attention to the violation of my federal constitutional rights, which were infringed upon by Lt. Devin Anderson, Officer Marcus Felton, and the 15 John Doe's acting under the color of state law. We

also demanded repercussions for the officers involved in this wrongdoing. The encampment lasted from April 16th, 2021, to April 22nd, 2021, and was sustained by the support of local community members and businesses around the capital region who shared our goals. Throughout the encampment, a peaceful atmosphere was maintained.

17. On April 22nd, in the early afternoon, I went north from the Arch St. encampment outside Albany South Station to Dr. Wolpert's dental office in Saratoga Springs, NY. During my commute, I kept my phone on airplane mode to charge, traveling back and forth between the encampment and my appointment.
18. While in Saratoga Springs, NY, Dr. Wolpert performed a procedure to smooth my teeth. On my commute back, I stopped at Five Guys in Malta to grab a milkshake and headed back to the South Station precinct in Albany. I arrived around 4 pm.
19. Upon arriving at South Station Precinct Albany, NY, I was met with a disordered scene. I found out that thirteen protestors were violently arrested. News reporters, concerned citizens, and some protestors from the encampment were gathered behind police barricades, visibly upset. I immediately took my phone off airplane mode and saw several missed calls and texts from my concerned family members.
20. As I approached the crowd, I noticed a group of forty Albany Police officers in riot gear. Many wore shields with thin blue lines, "Proud Boy" masks, Thin Blue-lined masks, and covered name badges. Beyond the line of officers, I witnessed my tent being lifted by a garbage claw and tossed into a massive dumpster. To my dismay, the dumpster was filled with gas heaters that seemed to ignite everything

dumped inside. The Albany Department of General Services removed all personal property before the South Station Precinct.

21. Unfortunately, I could not retrieve any personal belongings from my tent because the police line prevented access to the area where they were discarded. Among the items lost were crucial medications for various autoimmune disorders, such as Lupus and Mitochondrial disease, depression, anxiety and as well as my glasses, several articles clothing, air mattress, space heater, small couch, and gifts I had received for my recent birthday on April 20th.
22. There is video evidence of unidentified police officers going specifically to my tent and rifling through my belongings, including dumping out my medication and stepping on my glasses while they laughed. I remained far from the crowd at Arch St. as I was emotionally distressed and was taken into a protestors car to calm down.
23. While the encampment was being taken down, several local activists arrived to understand what was happening. One local activist who arrived just after me was my older brother, Alexis A. Figuereo. When my brother arrived, I remained near him for comfort.
24. The crowd behind the police line grew bigger as those who lost their belongings demanded answers, and concerned citizens raised questions about what was going on and what had happened. We were told that one of the protestors had to seek medical attention due to the force used.
25. After several hours, the forty officers retreated into the South Station Precinct in Albany or back to the perspective precincts, and the barriers between the South

Station Precinct, the forty law enforcement officers, and the crowd were removed.

26. I walked over to see if any of my belongings had fallen from my tent as they had been transferred into the trash by the Department of General Services. I was only able to find the smashed lens from my broken glasses. There were no remnants of any other of my belongings inside my tent.

27. At some point while looking for my belongings on the street, I split up from my brother Alexis A. Figuereo. He went to his car to get water for protestors and was arrested by several unidentified police officers who took him in an unmarked car to the Albany County Jail. In the process the officers pushed the mother of my brothers children to the ground.

28. A protestor ran to me and told me that my brother was kidnapped by Proud Boys in an unmarked pick up truck. I ran over to the area that he was arrested and saw the unmarked car speeding away.

29. On April 22nd, 2021, I experienced a range of injuries that affected me physically, emotionally, and mentally. The events completely traumatized me. Watching my brother be kidnapped caused me severe anxiety and emotional stress that caused me to lose consciousness for almost a minute. I later learned that my brother was arrested and received ten charges for his involvement in the Arch St protest. All charges were later dropped.

30. The loss of my medication led to a challenging battle with my doctors to obtain refills, I take several medication for several autoimmune diseases, depression

and anxiety. The result of this battle with was a Lupus flare-up² ("Lupus - Symptoms & causes"), that caused severe joint and muscle pain, severe stomach issues, sores in mouth extreme fatigue, butterfly rash and increased depression and anxiety.

31. Additionally, the traumatic incident of witnessing officers making light of our demands, mocking the crowd and the commotion of officers and protestors yelling has left me with PTSD. As a consequence of the events of that day, I have lost my trust in law enforcement agencies. I have difficulties being in large crowds and individuals who wear attire with a thin blue line or Proud Boy attire.
32. I am seeking \$200,000 to cover various expenses, including \$3,000 in damages of personal property, \$10,000 for previous and future medical bills and \$187,000 in compensation for the pain and suffering caused by these traumatic events.

² Symptoms of a Lupus flare up obtained from the Mayo Clinic website. *Lupus* (no date) Mayo Clinic. Available at: <https://www.mayoclinic.org/diseases-conditions/lupus/symptoms-causes/syc-20365789> (Accessed: 15 April 2024).